

### **REMARKS**

Claims 1, 2, 5, 8, 11, 18, 20-23, 26, 29-32, 36-39, 41-43, 54, and 55 were previously pending in this Application. Claims 30-32, 43, and 55 are withdrawn from consideration by the Examiner at this time, and claims 1, 2, 5, 8, 11, 18, 20-23, 26, 29, 36-39, 41-42, and 54 stand rejected by the Examiner. By this Amendment, claims 1, 2, 5, 8, 20, 21, 36, and 37 have been amended, and no claims have been canceled or added. Support for the amendment to claim 37 can be found in original claim 21. As requested, Applicant has amended the definition of "X" to comply with the Restriction Requirement and elected group in this Application. As a result, claims 1, 2, 5, 8, 11, 18, 20-23, 26, 29, 36-39, 41-42, and 54 are pending for examination. No new matter has been added to the present Application by this Amendment.

Each of the rejections levied in the outstanding Office Action is addressed individually below.

#### *Obviousness-type Double Patenting*

The Examiner has provisionally rejected claims 42, 47, and 54 on the ground of nonstatutory obviousness-type double patenting over claims 1-4 of co-pending U.S. patent application, U.S.S.N. 11/883,665, published as US 2009/0163532. Applicant requests that the present Application being the earlier filed case be allowed to issue, and any double patenting issues will be dealt with in the later filed '665 application.

The Examiner has provisionally rejected claims 42, 47, and 54 on the ground of nonstatutory obviousness-type double patenting over claim 1-35 of co-pending U.S. patent application, U.S.S.N. 10/595,049. Based on amendments in both of these applications during prosecution, Applicant respectfully submits that the claims of the present Application are no longer obvious in view of the claims of the '049 application. Applicant thus submits that this rejection be removed.

The Examiner has rejected claims 1, 2, 5, 7-8, 11, 15, 17-23, 25-26, 29, 36-42, 49-52, and 54 on the ground of nonstatutory obviousness-type double patenting over claims 1-27 of U.S. Patent 7,091,214. Applicant respectfully submits that the presently amended claims are not obvious in light of the claims of the '214 patent. There are substantial differences between the claimed compounds in each of these cases. For example, the substituent -X-Z-R<sub>1-1</sub> as defined in the present

claims is not specifically taught or suggested by the claims of the '214 patent. Applicant, therefore, requests that this rejection be removed.

In view of the above Amendment, Applicant believes the pending Application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825, under Docket No. C1271.70022US02, from which the undersigned is authorized to draw.

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Respectfully submitted,

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